

Ms. Hair will be granted leave to withdraw as counsel for Gary L. Wills. Since no substitute counsel has yet appeared in this matter for the corporate defendants, Ms. Hair will not be granted leave to withdraw at this time. The Eighth Circuit has held that “the law does not allow a corporation to proceed *pro se*.” **Ackra Direct Mktg. Corp. v. Fingerhut Corp.**, 86 F.3d 852, 857 (8th Cir. 1996); **see also United States v. Van Stelton**, 988 F.2d 70, 70 (8th Cir. 1993) (noting that a corporation may not appear *pro se*); **Carr Enters., Inc. v. United States**, 698 F.2d 952, 953 (8th Cir. 1983) (noting “[i]t is settled law that a corporation may be represented only by licensed counsel”). In fact, according to the Eighth Circuit, a corporation is technically in default as of the date its counsel is permitted to withdraw from the case without substitute counsel appearing. **Ackra Direct**, 86 F.3d at 857. Under the circumstances, the court concludes counsel shall not be given leave to withdraw as attorney for the corporate defendants until substitute counsel has entered an

appearance or other order of the court. The corporate defendants shall have an opportunity to obtain substitute counsel. Accordingly,

IT IS ORDERED:

1. Patricia Hair's Motion For Leave to Withdraw (Filing No. 37) is granted with regard to Gary L. Wills. Otherwise, the motion is held in abeyance until July 17, 2008.

2. Wills, Inc. and Wills Development Company, LLC shall have substitute counsel enter an appearance on their behalf **on or before July 17, 2008**. If the defendants fail to have substitute counsel enter an appearance by that date the court may strike the answer of the defendants and enter default, pursuant to Fed. R. Civ. P. 37(b)(2)(C).

3. Moving counsel shall immediately serve a copy of this order on Wills, Inc. and Wills Development Company, LLC and file a certificate of service therefore.

4. The parties' deadline for filing a joint planning conference report pursuant to Fed. R. Civ. P. 26(f) is extended **until July 17, 2008**.

DATED this 17th day of June, 2008.

BY THE COURT:

s/Thomas D. Thalken
United States Magistrate Judge